

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TIM MARQUEZ,

Plaintiff,

v.

CIV. NO. 10-291 JH/ACT

ROY CORDOVA, et al.

Defendants.

MEMORANDUM OPINION AND ORDER

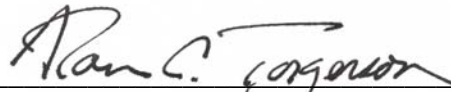
THIS MATTER comes before the Court on the Defendants' Motion to Stay Discovery Pending Determination on Defendants' Motion for Summary Judgment on Basis of Qualified Immunity and on Other Grounds filed August 4, 2010 [Doc. 22]. Because the Court has no discretion on this matter, a response is not required.

Defendants have moved for dismissal of the claims against them based on, *inter alia*, on the doctrine of qualified immunity. [Doc. 21.] The qualified immunity defense protects governmental officials performing discretionary functions from liability as well as the burdens of trial and discovery. *Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004); *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992) ("we reiterate that qualified immunity is not only a defense to liability but also entitlement to immunity from suit and other demands of litigation") (citing *Siegert v. Gilley*, 500 U.S. 226 (1991)). Indeed, when a motion based on qualified immunity is filed, a court has limited discretion on the issue of a stay of discovery, and should stay discovery until the court considers and determines the motion. *Workman*, 958 F.2d at 336.

The Court will stay this matter.

IT IS THEREFORE ORDERED that Defendants' motion to stay is granted and all

discovery will be stayed pending the court's disposition of the Motion for Summary Judgment, filed August 4, 2010 [Doc. 21].

A handwritten signature in black ink, reading "Alan C. Torgerson", written over a horizontal line.

ALAN C. TORGERSON
UNITED STATES MAGISTRATE JUDGE